

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

SPENCER CHARLES PARKER	§	
v.	§	CIVIL ACTION NO. 9:06cv144
STATE OF TEXAS, ET AL.	§	
and		
SPENCER CHARLES PARKER	§	
v.	§	CIVIL ACTION NO. 9:06cv265
WARDEN SWEETIN, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
ON PLAINTIFF'S MOTION FOR CONSOLIDATION

The Plaintiff Spencer Charles Parker, proceeding *pro se*, filed these civil rights lawsuits under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights during his confinement in the Texas Department of Criminal Justice, Correctional Institutions Division. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

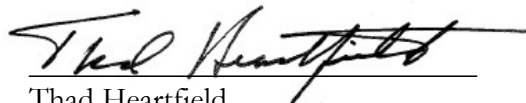
The records of these cases show that in cause no. 9:06cv144, Parker was ordered to file an amended complaint setting out his claims with more factual specificity, but when he complied with this order, the amended complaint was inadvertently docketed as a new lawsuit, under the number of 9:06cv265. Parker filed a motion for consolidation of the two lawsuits, and the Magistrate Judge recommended that this motion be granted.

The Court has reviewed the records and documents in these lawsuits and has determined that the Magistrate Judge's Report is correct. It is accordingly

ORDERED that the lawsuits styled Parker v. State of Texas, et al., civil action no. 9:06cv144, and Parker v. Sweetin, et al., civil action no. 9:06cv265, be and hereby are CONSOLIDATED for all purposes into one lawsuit, styled Parker v. State of Texas, et al., civil action no. 9:05cv144. It is further

ORDERED that only one filing fee shall be charged to the Plaintiff for these lawsuits. Any fees received under the number of either 9:06cv144 or 9:06cv265 shall be credited to this consolidated lawsuit, and Parker shall be charged only the single filing fee of \$350.00 for this lawsuit. The consolidation of these lawsuits shall not affect the substantive rights of any party to this action.

SIGNED this the 7 day of **February, 2007**.


Thad Heartfield
United States District Judge